

**Introduced by Senator Perata**

February 24, 2006

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An act to add Section 25143.6.1 to the Health and Safety Code, and to repeal and add Section 42171 of the Public Resources Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1797, as introduced, Perata. Hazardous waste: landfill cover: metallic recyclables.

(1) Existing law provides for the regulation of hazardous waste under the hazardous waste control laws by the Department of Toxic Substances Control. Existing law requires the department to develop and adopt, by regulation, criteria, and guidelines for the identification of hazardous waste.

This bill would require residue generated from the shredding of discarded automobiles, appliances, or other metallic recyclables to be regulated as a hazardous waste only if the residue exhibits the characteristics of toxicity specified in certain regulations adopted pursuant to the federal Resource Conservation and Recovery Act of 1976 (RCRA).

(2) Under the existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, materials that require special handling, as defined, are required to be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. Existing law requires any hazardous material that becomes a hazardous waste when released or removed to be managed pursuant to specified hazardous waste control requirements.

Existing law requires the board to evaluate and report on the use of recycling residue for use as solid waste landfill cover.

This bill would repeal that evaluation requirement and would instead allow residue that is generated from the shredding of discarded automobiles that is not a hazardous waste to be used in any solid waste landfill as a cover material or extender, if the residue meets specified physical characteristics.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25143.6.1 is added to the Health and  
2 Safety Code, to read:

3 25143.6.1. Notwithstanding any other provision of law,  
4 residue generated from the shredding of discarded automobiles,  
5 appliances, or other metallic recyclables shall be regulated as a  
6 hazardous waste pursuant to this chapter only if the residue  
7 exhibits the characteristics of toxicity, as specified in Section  
8 261.24 of Title 40 of the Code of Federal Regulations.

9 SEC. 2. Section 42171 of the Public Resources Code is  
10 repealed.

11 ~~42171. The board shall evaluate the use of recycling residue~~  
12 ~~for use as solid waste landfill cover materials or for use as~~  
13 ~~extenders for currently used cover material. If used as daily cover~~  
14 ~~or as extenders to daily cover, recycling residues shall have all of~~  
15 ~~the physical characteristics required by regulations for cover~~  
16 ~~materials adopted pursuant to Section 43020. The results of this~~  
17 ~~evaluation shall be reported in the report required pursuant to~~  
18 ~~Section 40507.~~

19 SEC. 3. Section 42171 is added to the Public Resources  
20 Code, to read:

21 42171. Residue that is generated from the shredding of  
22 discarded automobiles that is not a hazardous waste for the  
23 purpose of Section 25143.6.1 of the Health and Safety Code may  
24 be used in any solid waste landfill as cover material or an  
25 extender, if the residue has the physical characteristics required

1 in the regulations adopted by the board for cover materials  
2 pursuant to Section 43020.

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